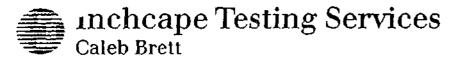
TRICC MINES

BOX

	the state of the s
DAMUE CLEAN	:
LARCE NO E J	THE REPORT
CO TO BASE	ETA
PRODUCT CHCZO HOZANO	· · · · · · · · · · · · · · · · · · ·
CZO HOZANO	DAYE/TIME APRIVATED TO THE STATE OF THE STAT
	DATE/THE STATISTICS COMPLETITE COMPLETITE
CLEANING POSTRUCTION BY: Robert Dear	D. TE/White COMPLETE/2-12-86 8:00
CLEANING PESTRUCTION BY: Robert Peres	350
OAERTEN MANDE MA	
OVERTEAR AUTHORYZED BY: Robert Poters	A
BARCE INSTRUCTED BY: Robert Paters BARCE RELEASED TO: Brown CANAL BELOW DECK CARCO PLREETS	
DESCRIPTION TO: STOWN CHARLE BELOW DECK CARCO PIPELINE: BLIND CHOSED BY	Dage
PET OF ENED: YESHIA NO	PARTETIME: 3:30 PM
DECK HEADER BLINGS OFFICE YES MA NO CLOSED BY	MULE OF THE
DECK CHEST NO CHEN YES NO	WEN CASKET YES
CHECK VALVE OPENED: YES	CLUSED BYCAGA, P. CASUR
DECK HEADER BLINGS ONLY	о ду уге
DECK HEADER BLINDS OPEN: HES MA NO CLOSES DECK HEADER BLINDS OPEN: HES MA NO CLOSES DECK HEADER BLINDS OPEN: HES MA NO CLOSES	NEW CASKET
DECK HEADER BLINGS OPEN: HES NO CLOSED VAPOR RECOVERY MEMBER OPENED: YES NO CLOSED RUST SCALE: YES	MEN MARIN
The state of the s	
RUST SCALE: YES	D NV A
VAPOR RECOVERY MEADER OPENED: YES 100 CLOSED RUST SCALE: YES 40 MASISTO OUT MUCKETE CUMPLIFICATION TANKS 3	MEN CASKET
The state of the s	D OUT YES 110
State TANK COD	Salar Sa
DRIP PANC COURSE	
WATHER. NO	
PIP THE VICENTIA	
HOW PART CHARGE PEPELINE HOUNG OVE	RCAST CLOUDE
HOW PAUL CHECKED: YES PIPELINE BLOWN HES THORN	CECOUDY CITY
See See NO STREET	WKE: AER TOWEN BIREITA
STORY THE STEED CAPETY EQUIPMENT O	C.D. NO
· · · · · · · · · · · · · · · · · · ·	
All harges cleaned for prop will the ETY EQUIPMENT B	ANATA KANTON ON THE MANAGEMENT AND
All larges cleaned for man will be instructed by Cale have presented in the forces of factors in charge to a captain of the testose that is picking up the burge will surgicular representation and confidence and declarations.	**************************************
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induction to tempore that is now one cook tell	sign. The inspector will
Logispies representation and coordinates up the burge wi	in the mailton, and all
capacity of the constant wall for each in charge to a constant of the temporal that it picking up the burge will ended to represent the picking up the burge will ended to represent the picking up the burge will ended to represent the picking up the burge will ended to represent the picking up the burge will be represented to the picking of the picki	Disk, recalled until
inspected 12 117 196 Vill tox. One copy will see to see the picking up the burge will explose representative mass in construction is in the in-	at my brophome, with a
Inspect. by Act	1/ 5 5
1 . 1 1 6 7-7	<u> 1620</u>
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THE TO PAY THEM COMED WITH BE	
BUSINE MILL THE CURRENT OF THE	CALED PROMP IN
Consider Military of Colors of Color	Similar Contract How Contract



VISUAL TANK INSPECTION REPORT

'essel : ort/Terminal: roduct/Cargo:	ETT-115 HERCULES/FR CYCLOHEXANE		Your Refe Our Refe Date	rence: FP/96-2672
ank umber		1C	2C	3C
ank oating		MILD STEEL	MILD STEEL	MILD STEEL
ast argo		CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
econd Last Cargo			en no de de	
hird Last Cargo	···.			
isual Cleanlin Accepted *		ACCEPTED	ACCEPTED	ACCEPTED
ime/Date Inspected	,	12-17-96 @ 1605	12-17-96 @ 1605	12-17-96 @ 1605
ethod said to		to clean tanks:	ALL CARGO TANKS AND PIPELINES	s were stripped of Chemical and Blown DRY FOR
		·		

iformation regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be iaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper iformation supplied. This report, of necessity, is based on such information.

The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

I T S-Cales Brett

BASE

BASE BARGE SCHEDULE

DATE 16-Dec-96 -

12:16 PM

ETT 110: Empty (CPLX) (33,956 lb. heel on board) at W/F. Brown Canal will take to Hercules to be cleaned and prepared for Cyclohexane Service. T 112: Empty at Hercules being repaired, surveyed and USCG inspection. ETT 113: Began loading (Citgo 2) 1100 today at Corpus, via Brown Water IV. ETT 114: Loaded (Huntsman 1) erroute to Freeport, via Brown Canal, ETA 0600 Tuosday, Spot at dock Immediately upon arrival. Barga will need to be gauged and sampled. Will discharge as soon as spotted at dock. * Priority 1 T 115: Empty (Cyclohexane) at W/F. Brown Canal will take to Hercules 0800 Tuesday to be cleaned for Hormal Butanol Service. CCI 75: Empty (Split load Acid/Oleum) at W/F. Hold for Tug Javalina. SCC 108: Empty (All Acid) at WiF. Hold for Tug Javalina. Bargo will be OUT OF SERVICE upon return to Rhone-Poulenc. .C 80: Loaded (All Oleum) at Rhone-Poulenc, Tug Javalina is waiting for weather to calm then will be anroute to Freeport, ETA Approx, 1200 Tuesday. Spot at dock Immediately upon arrival. Barge will discharge as soon as spotted at dock. Plant has Critical Low Inventory this barge is to be considered Top Priority upon ••• нот ••• arrival to Freeport. Priority 2 2 108: Empty (All Acid) at Shipyard for repairs, OUT OF SERVICE. (\$CC 104: Loaded (All Add) at Rhone-Poulenc, Tug Javalina is waiting for weather to calm then will be enroute to Freeport. ETA Approx. 1200 Tuesday. Hold at WIF until further notice. * - Priority to dock - Priority out to skimmer gate . - All priority barges taken to dock should go to skimmer gate as soon as possible after work is complete. For any turther information please contact: Robert G. Peters Office: 238-6161 Home: 798-4162 Pager: (713) 604-2418 Suzette Johnson Office: 238-8409 Home: 265-5120 Pager: 237-4016

*Copper Road, Freeport, Teses 77541 (403) 238 6100

DAMUE CLEANING REP	ORT
JOD NO. 11-33/8	ETA
ARCS NO	DATE/TOHE ARRIVAL 11-19-96
CO TOUR BASE	DATE/THE STARTED 11-30-96
1-RODUCT CYCLONEXANE.	DATE/TEST COMPLETE
. Wount stripped	
CLEANING MESTAUCTION BY: Solient Peters	
COMPLETION SCHEDULE BY:	
OVERTIME AUTHORITIED BY:	
LARGE INSPECTED BY: Rivery Potting	DATE/TIME:
MARCE RELEASED TO:	DATE/TLAE:
DEFENCELL SPENED: YES ALMO CLOSED BY	NEW CASKET YES - NO
HELON DECK CARCO BIRELINGS BLOW OFFI ARC	CT OCED AN Property as already
DECK CHECK VALVE OPENED: YES NO CLOSED IN	YEU
DECK CHECK VALVE OPENED: YES NO CLOSED IN	Y NEW CASKET
DECK HEADER DUDIES OF EN: Kes INSPECTED BY CALL	ER TREMT PES
DECK HEADER ERLICH PLUC OPEN: YES NO CLOSED BY	
VAPOR RECOVERY HEADER OPENED: YES NO CLOSED I	BY 60 NEW CASKET
RUST SCALE: YES 40 UASHED OUT BUCKETED	OUT YES NO
NUMBER OF TARCE TANKS . T	
CONDITION OF CARCO VALVES 1900D	•
SLOP TANK STRIPPED: YES NO NO	7.a.
DRIP PANS STREEPED: YES NO	<u>.</u>
WEATHER: "HIP 60" RAIN / FOC / HUMINITY OVER	CAST CLOUDY AT CLOUR
	SCRED BY CALED DIRECT
BOW RATE CHECKED: YES NO STEAM F	,
VOIDS: YES NO SAFETY EQUIPMENT U	lemp:
SCHOOL THE COMMERCENCY CONTRACTOR AND	**************************************
NOTICE	
All barges cleaned for DACF will be inspected by Calhave payament for the Hercules foreman in charge to the opies is the document mail how. One copy will captain of the tophose that is picking up the barge inspection is consisted and ophose that is picking in the logical representation is in the logical representative must be consisted.	sign. The former will put the stay in the mailton, and the will not be called until
Inspected 1(, / 30/96/3 1623	16.65 15.00 Out
Inspect by Ad bugs is	
D PARE DESCRIPTION OF THE CHARLES WITH DE CHARLA V COL	ON THE DISCUSSION OF STATES

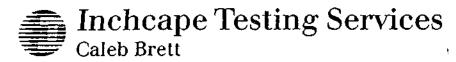
BASE COMMERCION

LASF WEEKEND "HOLIDAY" BARGE SCHEDULE

DATE 27-Nov-96 -

11:46 AM

	ETT 110: Empty (Cyclohexane) at W/F.Hold until further notice.
	ETT 112: Olschauging (Koch 3) at dock. Take to W/F after discharge is complete on Low add 1000 Thursday. Brown Water IV will leave Friday to go to Corpus to load (Citgo 5) 11/30/96. Hold at W/F upon return.
)	# Priority 1
	ETT 113: Loaded (Chevron I @ Phillips) at W/F. Spot at dock after the ETT 112 has completed discharging. Barge will need to be gauged and sempled. Will discharge 0730 Fixiday. Take to W/F after discharge is complete
	on Low tide 1200 Saturday. Brown Canal will take to Phillips 1300 Sunday to load (Phillips 1). Spot at dock
	after loading is complete. Barge will need to be gauged and sampled. Will discharge 0730 Monday.
	* Priority 2 / # Priority 4 / * Priority 5
,	ETT 114: Empty (Phillips 7) at W/F. Brown Canal will take to Corpus to load (Koch 4) Friday 0100. Spot at dock upon autivat to Freeport. Berge will need to be gauged and sampled. Will discharge 0730 Seturday. Berge will be beltasted while being discharged. Take to W/F after discharge is complete. Brown Water IV wit take to Hercules 0800 Monday for deballasting. Priority 3 / # Priority 5
	Tributes and a consequence of the consequence of th
	ETT (15: Empty (NBOL) at W/F. Hold until further notice.
İ	[CCI 78:]Emply (All Oleum) at W/F, Hold for Tug Javatina. Will load Split load (Add/Oleum) upon ratum to
•	Rhone-Poulenc, Hold at W/F upon return to Freeport until further notice.
	SOC 106: Loaded (All Add) enroute to Freeport. ETA 1300. Spot at dock after the SCC 60 has completed discharging, Will discharge 0730 Saturday. Take to WiF after discharge is complete. Hold for Tug Javalina.
	* Priority 4 / # Priority 6
)	(SCC 86:]Loaded (All Oleum) enroute to Freeport. ETA 1300. Spot at dock after the SCC 108 has completed discharging. Will discharge 0730 Thursday, Take to Y//F after discharge is complete. Hold for Tug Javelina. * Priority 1 / # Priority 3
	SCC 108: Discharging (All Acid) at dock. Take to W/F after discharge is complete, Hold for Tug Javaline.
)	# Priority 2
•	The state of the s
	SCC 104: Loading (All Ofeum) at Rhone-Poulenc, Spot at dock Sunday after the SCC 106 has completed
	discharging, Will discharge 0730 Honday, Priority 6
	* - Priority to dock
	# - Priority out to skimmer gate
)	
′	soon as possible after work is complete.
	For any further information please contact:
	Robert G. Peters Office: 239-6161 Home: 798-4162 Pager. (713) 604-2418
	Suzette Johnson Office: 239-8409 Home: 265-5120 Pager: 237-4016
)	602 Coppler Abed, Freeport, Team 17541 (409) 209 6100



VISUAL TANK INSPECTION REPORT

Vessel :
Port/Terminal:
Product/Cargo:

ETT-110

Hercules Shipyard / Freeport, Texas

Cyclohexane

Your Reference:

Our Reference: FP/96-2557

Date : November 30, 1996

Tank			_	
Number	1C	2C	3C	
Tank				
Coating	N/A	N/A	<u> </u>	
Last				
Carqo	Cyclohexane	Cyclohexane	Cyclohexane	
Second Last				
Cargo				
Third Last				
Cargo				
Visual Cleanliness				
Accepted *	Accepted	Accepted	Accepted	
Visual Cleanliness				
Rejected *				
Time/Date	1540	1540	1540	
Inspected	11/30/96	11/30/96	11/30/96	

Method said to have been used to clean tanks: Strip and blow: Stripped chemical from cargo tanks and pipe line, blow dry cargo tanks for 30 minutes each, blow dry pipe line for 20 minutes each valve.

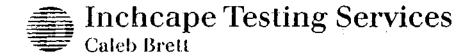
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I T S#Caleb Brott

Barge Cleaning Report

JOB NO			ETA	
BARGE NO	E+1=110		DATE/TIME ARRIVAL	10-11-11- 7:45
CUSTOMER	BASE		DATE/TIME START	10-11-96 = 8:30Am
PRODUCT	CHCIOHER	AIVE	DATE/TIME COMPLETE	10-11-96= 3:30010
	AM	OUNT STRIPPED _	300	;
CLEANING INS	T. BY <u>Robert Per</u>	COMPLETION SCH	I. BYOVER	TIME AUTAL BY
BARGE INSP. B	Y DAVE DATE	УПМЕ <u>2:3e</u>	RELEASED TO	ДАТЕЛТІМЕ
DEEPWELL OP	ENED:	YES NO	CLOSED BY	NEW GASKET: YES NO
BELOW DECK	CARGO PIPELINE:			
BLIND OPENEL	D :	YESNO	CLOSED BY <u>CASAS</u>	NEW GASKET: YESNO
DECK CHECK	VALVE OPENED:	YES ALANO	CLOSED BY	NEW GASKET: YES NO
DECK HEADER	BLINDS OPENED.	YES NO	INSECTED BY CALEB BRE	TT
DECK HEADER	C DRAIN PLUG OPENED	YES NO	CLOSED BY CASAS	·
VAPOR RECOV	ÆRY HEADER OPENED	YES NO	CLOSED BY CYUZ	NEW GASKET: YES NO
RUST SCALE:		YES NO	WASHED OUT	BUCKETED OUT
NUMBER OF C	argo tanks <u>3</u>		CONDITION OF CARGO V	ALVES 600
SLOP TANK ST	RIPPED:	YES <u>a//a</u> NO	DRIP PANS STRIPPED:	YESNO
	, -			CLOUDY CLEAR
PIPELINE WAS	HED: YESNO	PIPELINE BLOWN:	YESNO INSPECTE	D BY CALEB BRETT
BOW RAKE CH	IECKED:	YESNO	STERN RAKE CHECKED:	YES NO
VOIDS: YES	_ NO	SAFETY EQUIPME	ENT USED:	
SUMPS INSPEC	CTED:	-		
		N C	TICE	
to sign. The fore	man will put two copies in	eted by Caleb Brett. To the document mail be led until inspection is	he inspector will have paperwoox. One copy will stay in the r	ork for the Hercules foreman in charge mailbox, and the captain of the tugboat in is in the mailbox. If any problems,
	10/11/90		me in: 1495	Time out: 1485
Inspected By:	Calcb Brett	V.		
NO BASE BAR PAPERS. CALI	GE THAT HAS BEEN CL EB BRETT WILL BE GIV	EANED WILL BE RE EN A COPY OF THIS	ELEASED UNTIL CALEB BRI S FORM.	ETT HAS SIGNED THE RELEASE



VISUAL TANK INSPECTION REPORT

Vessel :
Port/Terminal:
Product/Cargo:

ETT-112

HERCULES/FREEPORT, TX 99.9% CYCLOHEXANE Your Reference:

Our Reference: FP/96-2445

Date : 11-14-96

Tank				
Number	1C	2C	3C	
Tank				
Coating '	MILD STEEL	MILD STEEL	MILD STEEL	
Last				
Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE	
Second Last				
Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE	
Third Last				
Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE	
Visual Cleanliness		3.0400000		
Accepted *	ACCEPTED	ACCEPTED	ACCEPTED	
Visual Cheanliness				
Rejected *				
Time/Data	1250 / 11-14-96	1250 / 11-14-96	1050 / 11 14 00	
Inspected	1250 / 11-14-96	1230 / 11-14-90	1250 / 11-14-96	

Method said to have been used to clean tanks: <u>ALL CARGO TANKS AND PIPELINE WERE STRIPPED, PIPELINE WAS BLOWN FOR TWO HOURS</u>
AND CARGO TANKS WERE VENTED FOR FOUR HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

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T T S-Caleh Brett

JOH NO. 3 303	ETA
MICH NO. F + += 1/2	DATE/THE APRIVATEL 13-96-8
Command BASE	the contract of the second sec
HARDUCT CHCLOHOTANE	DELLATER CORRECTIVE 13-50-50
AMOURT STRIPPED 200	
CLEANING METRICETION DY: Pater 5	
COMPLETION SCHIDULE NY: Perces	•
OVURTING AUTHORYPED BY:	y*
DVERTERS AUTHORYTED BY: MARCH TREPROCES BY: Clarely Decepte	BATEITIME: 11-14-86-11:314A
BAUGH RELEASTS TO: BYOW CANDL	DATE/FINE:
DECOMPLE OPENED: YES ALL NO CLOSED BY NE	W CASKET YES - RO
DECIMENT OPENED: YES ALMO CLOSED BY NEED NO WEST NO WE	CLUSED BY FOR CASKET
DECK CHICK VALVE OPENED: YES NA NO CLOSED BY	MEM CASKING
DECK HEADY BLIDES OPEN: HES INCOMED BY CHEEN	uthuh
DECY MEADER BUILD PLUC OPEN: YES NO CLOSED BY	
VARIOR RESCOVERY WEADER OPENIES: YES LINO CLOSED BY	CASAS NEW CASKET
RUST SCALE: YES NO WASHED OUT BUCKETED O	YES NOT
NUMBER OF TARCY TANKS 3	
COUDITION OF CARCO VALVES GOD.	
SHOP TO GETRIPPEN: YES MA NO	
BRIP PARS SUCCEPED: YES NO NO	
WEATHER: "THE SO RAIN FOC HESTATTY OVERC	ASTCLOUDY CLOUR
PUPILITED WAS A PROPERTY BELOWN BLES TOPPED	TED BY CALED DESIGN
BOW PART CHECKED: YES NO STERN BA	SE: YES NO
VOIDS: 198 NO SAFETY EQUIPMENT US	.19:
CIRO TRE CIPLO	andrekanaatan, kannisan krrenisaa
NOTICE	•
All harges closeed for DMF will be inspected by Calcibave payerbank for the seconder forement in charge to put a piece in the document had box. One copy will a expendent of the expendent that is picking up the barge will payerbe in a congletel and approximation is in the total	sign. The lunch will out try in the military and the. Ill not to called until
logistics representative made he conceded.	·
Inspected 11, 114/9613 1230-	
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COPYCIES OF STATE OF SECURE OF SECURE SECURE OF SECURE OF A COPY	CR HARD TODAY TO CHOOSE .



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Witness Narrative Statement

city of Freeport state of Texas
Date: September 22,1897 Case Number: CR-F477-058
OFFICE OF ENFORCEMENT
I, Juan Rivela , make this statement as a voluntary act on my part, prompted by my desire to tell the facts, and I do not expect to gain any reward or special consideration by reason
I do not expect to gain any reward or special consideration by reason of having made this statement.
I atvears old and reside at
. I have worked at .
Herenles Marine Services for about 18 years
since 1979. My duties at Hercyles have been
Washing tanks and pipelines on barges. My daties
included blowing the lines to make sure they were compty
when I accompanied the Caleb Brett inspectors
who were conducting visual inspections to make
sure then was no chemical or liquidic the linear
carp ta-k. I would make copies of the barge
cleaning report for the Calely Breff inspector Also
Iwould make copy of the Caleb Brift Time Log
and Inspection Report for Hereales. I made
+ Less copie, in the office at the colosafter Calelo Butt impectar,
finished their inspection I reficed sometimes the
Cleaning 10ps/ts showed Nollnel Betare when the
Chemical that had been a the baye was eyelo hexano
I signed as Employee Hozardon, Matricels Training Program
docinent for each barge that I helped clean the
We would have anesting and direct the Chanical to be isen
cleaned fruite baye. I noticed that there were
times when we would open the barge and it contained
a dittilant allarical than we had just alleges ody
Page 1 of 2 Pages / / CID Form: 05a (11/1/92)

Ponted on Recicled Once.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

Witness Statement Conclusion

Statement of Juan Rivera Case Number:
OFFICE OF ENFORCEMENT
Henreting I recell that normal butand was written
on the document but I tained cycloherene on the barge.
I recall one time Clardio Duarte told me to
tell Coleb Breft the chenical on the barge was
normal batanol instead of cycloberane. I knew
the large really had contained cycloherane because
I had cleared it. Clardio told me that
The bally Ballinger told him to say the burge had
last contained Normal Batanolinstead of aclaherane
I asked Special Investigator Brian Lynd to write this
Statement for me but the words and content
of this statement we my own.
I have read the foregoing statement and I have been given an
I have read the foregoing statement and I have been given an opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge.
opportunity to make corrections. All of the facts contained herein are
opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge. Date: September 22,1597 (Signed) The facts contained herein are true to the best of my knowledge.
opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge. Date: September 22,1997 (Signed) Signed Witnessed: Mossers Grant Witnessed: SECIPL PRESENT US 52.66
opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge. Date: September 22,1997 (Signed) The facts contained herein are true to the best of my knowledge.

	; ;	s accept
	DERSONAL HISTORY SHEET	A SA
l.	NAME: Rivera Juan Luis	
	(LAST, FIRST, MIDDLE) on 55 cord	3-7
2.	ALIASES, AKA: Johnny or John	it to great the second
3.	HOME ADDRESS:	and the same
4.	TELEPHONE MUNIBER:	The second second
5.	DATE OF BIRTH:	(1,2424) 2.7
٠.	PLACE OF BIRTH	(5)
•	SOCIAL SECURITY NUMBER:	/SEX
٥.	DRIVERS LICENSE NUMBER/STATE;	
l.	HEIGHT/WEIGHT	
3.	EMPLOYER: Hercales Marine Service	
4.	BUSINESS ADDRESS: 906 Martin Orive	
5.	TELEPHONE NUMBER: (401) 23) 677/	
	POSTTTON	
	LENGTH OF EMPLOYMENT /0	CYEW
	LENGTH OF EMPLOYMENT: 18 geals POSITION/RESPONSIBILITIES barge cleaning	
•	PROFESSIONAL CERTIFICATION/LICENSES:	

Environmental Protection Agency Criminal Investigation Division

OFFICIAL USE ONLY

NO	BOND \$
THE STATE OF TEXAS V. Error! Re	
CHARGE: Ct 1-10; Violate C	lean air act Colley, Crim Eps.
(Directifile) (73990339) WITNESS:	

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that Error! Reference source not found. hereinafter styled Defendant, on or about the day of , 19, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly release and cause to be released Cyclonexane into the air violating the rule regarding the degassing and cleaning of marine vessels Sections 115.541 and 115.542 of the Texas Administrative Code issued by the Texas Natural Resource Conservation Commission;

From Barge No.

362 OM (A) (1) E - 12 M

Mantiery FALSE RECORDS BOND \$

PRAVD/CKEW AV JOH OWN & PRAVD-CLASS A: 2000 AV ON THE STATE OF TEXAS V. LARRY EUGENE BALLINGER COUNT 1,2,3,4,5,6,7,8,9,10 & 💋 = FRAUD - CLASS A CHARGE:

CRIMINAL EPISODE

(Direct File) (26000099)

WITNESS:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURY for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged and organized as such at the October - March Term 1997/1998_of the 23th Judicial District Court for said County; upon their oaths present in and to said court at said term that LARRY EUGENE BALLINGER hereinafter styled Defendant; on or about the 30TH day of NOVEMBER, 1996, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT 110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT TWO

And the Grand-Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of DECEMBER. 1996, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State at-said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant err or about the 17TH day of DECEMBER, 1976, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement; representation and certification in a report, to-wit: representing Normal Butenol Barge Cleaning Report for Barge No: ETT 15 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements.

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 10TH day of JANUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report; to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT 112 required to be maintained by the Texas Administrative Code. Chapter 115.546 concerning monitoring and record keeping requirements:

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COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State; at said, term; do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 9TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement; representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No ETT 1.10 required to be maintained by the Texas Administrative Code, Chapter 115.546; concerning monitoring and record keeping requirements;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report; to wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546; concerning monitoring and record keeping requirements.

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State; did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT 113 required to be maintained by the Texas Administrative Code; Chapter 115:546, concerning monitoring and record keeping requirements;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 and ET114 required to be maintained by the Texas Administrative Code, Chapter 175,546, concerning monitoring and record keeping requirements;

COUNT NINE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 21ST day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115:546; concerning monitoring and record keeping requirements;

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THE STATE OF TEXAS V. LARRY EUGENE BALLINGER

CHARGE: COUNT 1, 2, 3, 4, 5, 6, 7, 8, 8 TAMPERING WITH A

GOVERNMENTAL RECORD; GRIMINAL EPISODE

(Direct File) 💸 (73990376)

WITNESS:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged; and organized as such at the October - March Term 1997/1998 of the 23 Judicial District Court for said County, upon their oaths present in and to said court at said term that LARRY EUGENE BALLINGER hereinafter styled Defendant; on or about the 5TH day of MAY, 1997, and before the presentment of this indictment in the County and State aforesaid, did then and there, with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT 10, with knowledge of its faisity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission:

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment; in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, towit: Barge Cleaning Report for Barge No. ETT115, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Count that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission; intentionally and knowingly use a record, towit: Barge Cleaning Report for Barge No. ETT1\3, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant; on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT 112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

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COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EVGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT114, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 21ST day of APRIL, 1997, and before the presentment of this indictment; in said County and State, did then and there with intent to defraud and harm another, namely the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT\SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 23RD day of APRIL, 1997 and before the presentment of this indictment in said County and State, did then and there with intent to defraud and harm another namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT /13, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission:

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 27tH day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT.112 with knowledge of its talsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

And the Grand Jurors aforesaid; upon their oaths aforesaid; in said County and State; at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN & EIGHT above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

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COUNT TEN

And the Grand Jurors aforesaid, upon their oaths aforesaid in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant; on or about the 23RD day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to wit: representing Normal Buteriol in Barge Cleaning Report, for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements,

COUNT ELEVEN®

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 27TH day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code; Chapter 115.546; concerning monitoring and record keeping requirements;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX: SEVEN, EIGHT, NINE; TEN AND ELEVEN above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State:

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THE STATE	OF TEXAS V. LARRY EUGENE BALLINGER
CHARGE:	COUNT 1,2,3,4,5,6,7,8,9,10 & 11 - FRAUD - CLASS A; CRIMINAL EPISODE
(Direct File)	(26000099)
WITNESS:	

BOND \$

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

NO.

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 30TH day of NOVEMBER, 1996, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of DECEMBER, 1996, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 17TH day of DECEMBER, 1976, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 10TH day of JANUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

NO.				
	NO.	NO.	NO.	NO.

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 9TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT110 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT115 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 and ET114 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT NINE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 21ST day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

NO.			

COUNT TEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 23RD day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT113 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

COUNT ELEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 27TH day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there intentionally and knowingly make and cause to be made a false material statement, representation and certification in a report, to-wit: representing Normal Butenol in Barge Cleaning Report for Barge No. ETT112 required to be maintained by the Texas Administrative Code, Chapter 115.546, concerning monitoring and record keeping requirements;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE, TEN AND ELEVEN above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

FOREPERSON OF THE GRAND JURY

· · · ———				
THE STATE OF TEXAS V. LARRY EUGENE BALLINGER				
CHARGE:	COUNT 1, 2, 3, 4, 5, 6, 7 & 8 - TAMPERING WITH A GOVERNMENTAL RECORD; CRIMINAL EPISODE			
(Direct File)	(73990376)			
WITNESS:				

BOND \$

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

NO.

THE GRAND JURY, for the County of Brazoria, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the October - March Term 1997/1998, of the 23rd Judicial District Court for said County, upon their oaths present in and to said court at said term that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 5TH day of MAY, 1997, and before the presentment of this indictment, in the County and State aforesaid, did then and there, with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT110, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT TWO

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 18TH day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, towit: Barge Cleaning Report for Barge No. ETT115, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT THREE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 22ND day of FEBRUARY, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, towit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT FOUR

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

NO	

COUNT FIVE

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 6TH day of MARCH, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT114, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SIX

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 21ST day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT SEVEN

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 23RD day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT113, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

COUNT EIGHT

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that LARRY EUGENE BALLINGER hereinafter styled Defendant, on or about the 27TH day of APRIL, 1997, and before the presentment of this indictment, in said County and State, did then and there with intent to defraud and harm another, namely, the Texas Natural Recourse Conservation Commission, intentionally and knowingly use a record, to-wit: Barge Cleaning Report for Barge No. ETT112, with knowledge of its falsity and with intent that it be taken as a genuine governmental record, and such record relied on by the Texas Natural Recourse Conservation Commission;

And the Grand Jurors aforesaid, upon their oaths aforesaid, in said County and State, at said term, do further present in and to said Court that the offenses set out in Counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN & EIGHT above constitute a "criminal episode" as that term is defined in Section 3.01 of the Texas Penal Code;

against the peace and dignity of the State.

FOREPERSON OF THE GRAND JURY